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TRANSMITTAL FORM (To be used for all correspondence after initial filing)	Application Number	11/547,208	
	Filing Date	Sept. 29, 2006	
	First Named Inventor	Martina KOENIG	
	Art Unit	Unknown	
	Examiner Name	Unknown	
Total Number of Pages in This Submission	8	Attorney Docket Number	04/013K

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Translation of the International Preliminary Report on Patentability for PCT/EP2005/003483		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	ProPat, LLC		
Signature	<i>Cathy Moore</i>		
Printed name	Cathy R. Moore		
Date	December 1, 2006	Reg. No.	45,764

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Claire Wygand</i>		
Typed or printed name	Claire Wygand	Date	December 1, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT COOPERATION TREATY

PCT/EP2005/003483

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

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29. Nov. 2006

Date of mailing (day/month/year)
23 November 2006 (23.11.2006)

Applicant's or agent's file reference
04/013K

International application No.
PCT/EP2005/003483

International filing date (day/month/year)
02 April 2005 (02.04.2005)

Applicant

KALLE GMBH et al

IMPORTANT NOTIFICATION

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Yolaine Cussac

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 04/013K	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2005/003483	International filing date (day/month/year) 02 April 2005 (02.04.2005)	Priority date (day/month/year) 08 April 2004 (08.04.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant KALLE GMBH			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																	
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basin of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/> Box No. I	Basin of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/> Box No. I	Basin of the report																
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<input type="checkbox"/> Box No. IV	Lack of unity of invention																
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																
<input type="checkbox"/> Box No. VI	Certain documents cited																
<input type="checkbox"/> Box No. VII	Certain defects in the international application																
<input type="checkbox"/> Box No. VIII	Certain observations on the international application																
<p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).</p>																	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 14 November 2006 (14.11.2006)
	Authorized officer Yolaine Cussac e-mail: pri1@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCTWRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) See Form PCT/ISA/210
(sheet 2)

Applicant's or agent's file reference

04/013K

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/003483

International filing date (day/month/year)

02.04.2005

Priority date (day/month/year)

08.04.2004

International Patent Classification (IPC) or both national classification and IPC

A22C13/00, D21 H27/10

Applicant

KALLE GMBH

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43b.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b(x)(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/003483

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
- a. type of material
- ☐ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☐ in written format
- ☐ in computer readable form
- c. time of filing/furnishing
- ☐ contained in the international application as filed.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/EP 2005/003483
Box No. V	Reasoned statement under Rule 43b(a)(i)(II) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims <u>4, 7, 8, 9</u>	YES
	Claims <u>1-3, 5, 6, 10-13</u>	NO
Inventive step (IS)	Claims _____	YES
	Claims <u>1-13</u>	NO
Industrial applicability (IA)	Claims <u>1-13</u>	YES
	Claims _____	NO
2. Citations and explanations:		
1. Reference is made to the following documents:		
D1: EP A 0 264 873 (VISKASE CORP.) 27 April 1988 (1988-04-27)		
D2: US A 4 778 639 (JON ET AL) 18 October 1988 (1988-10-18)		
D3: US A 4 781 931 (JON ET AL) 1 November 1988 (1988-11-01)		
D4: US A 5 270 067 (UNDERWOOD ET AL.) 14 December 1993 (1993-12-14)		
D5: EP A 0 473 952 (VISKASE CORP.) 11 March 1992 (1992-03-11)		
D6: EP A 0 610 753 (WOLFF WALSRODE AKTIEN- GESELLSCHAFT) 17 August 1994 (1994-08-17)		
2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1, 2, 3, 5, 6, 10, 11, 12 and 13 is not novel according to PCT Article 33(2).		
2.1 Document D1 discloses (the references between parentheses apply to said document) a foodstuff sleeve made from a textile material or regenerated		

Form PCT/ISA/297 (Box No. V) (January 2004)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/003483

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

cellulose (page 4, lines 53-54; page 6, lines 1-6) impregnated or coated on the inside with at least one food additive that is transmissible to the foodstuff (example 7), characterised in that the food additive comprises at least one food colouring agent and/or a colouring food, but no binding agent (page 3, lines 46-51; example 7).

The subject matter of claim 1 therefore lacks novelty (PCT Article 33(2)).

- 2.2 Document D1 also discloses a method for producing a foodstuff, characterised in that a bladder filled with an aqueous liquid containing the colouring agent in dissolved, suspended and/or dispersed form is guided through the tube, and the tube is subsequently dried (example 7, page 17, lines 41-47).

The subject matter of claim 11 is therefore not novel (PCT Article 33(2)).

- 2.3 D1 additionally discloses the use of the foodstuff sleeve as an artificial sausage casing (page 6, lines 30-31).

The subject matter of claim 13 is therefore not novel (PCT Article 33(2)).

- 2.4 The features in claims 2, 3, 5, 6, 10 and 12 can also be found in documents D1.

Form PCT/ISA/237 (Box No. V) (January 2004)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/EP2005/003483

Box No. V	Reasoned statement under Rule 43bis(1)(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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2.5	Documents D2, D3, and D4 likewise disclose similar products and methods that also include the aforementioned features.
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3.	The present application does not meet the requirements of Article 33(1) PCT because the subject matter of claims 4, 7, 8 and 9 are not based on an inventive step within the meaning of PCT Article 33 (3).
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3.1	Documents D5 and D6 describe the same advantages as the present invention with regard to the features in dependent claims 8 and 9. A person skilled in the art would therefore consider inclusion of these features in the foodstuff sleeve described in D1 to be a routine measure.
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3.2	Dependent claims 4 and 7 relate to constructive features that are known from the prior art cited in the search report, or which belong to the usual considerations of a person skilled in the art, i.e., they are the result of normal technical activity and do not signify an inspired design. The subject matter of dependent claims 4 and 7 therefore do not involve an inventive step.
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